

## **REMARKS**

Reexamination of the captioned application is respectfully requested.

### **A. SUMMARY OF THIS AMENDMENT**

By the current amendment, Applicant basically:

1. Thank the Examiner for the indication of allowable subject matter in claims 7-8, 10, 16 and 32, while continuing to urge patentability of the extant claims.
2. Amend claim 39.
3. Request that the Examiner clarify the status of independent claim 35 (see §B infra).
4. Advise the Examiner of the simultaneous filing of an Information Disclosure Statement (IDS).
5. Respectfully traverse all prior art rejections.

### **B. UNACCOUNTED INDEPENDENT CLAIM 35**

In a telephone conference with the Examiner on or about January 9, 2004, the undersigned noted failure of the Office to act upon independent claim 35. The Examiner proposed that the Applicant respond to the Office Action as presently worded and point out the oversight (as now done). If independent claim 35 sustains a prior art rejection in the next Office Action, Applicants respectfully request that the next Office Action not be a final rejection.

### **C. PATENTABILITY OF THE CLAIMS**

Claims 2-5, 17, 27-28 and 36-38 stand rejected under 35 USC 103(a) as being anticipated by JP Patent 05007219 to Akira in view of U.S. Patent 6,522,360 to Miyawaki et al. Claims 6, 29-30, 39 and 40-41 stand rejected under 35 USC 103(a) as being unpatentable over JP Patent 05007219 to Akira in view of U.S. Patent 5,510,835 to

Nishizawa. Claims 9, 20, 24-26 and 31 stand rejected under 35 USC 103(a) as being anticipated by JP Patent 05007219 to Akira in view of U.S. Patent 5,053,871 to Ogawa. Claims 11-15 and 33 stand rejected under 35 USC 103(a) as being unpatentable over JP Patent 05007219 to Akira in view of U.S. Patent 5,035,871 to Ogawa and further in view of U.S. Patent 6,522,360 to Miyawaki et al. All prior art rejections are respectfully traversed for at least the following reasons.

Independent claims 1, 5, 17, and 36

The Examiner has properly conceded that JP Patent 05007219 to Akira fails to disclose a target display color setting section that uses information regarding light characteristics of external light for setting a color to display as an image, which agrees with human chromatic adaptation characteristics. In view of this deficiency, the Examiner has sought to combine JP Patent 05007219 to Akira with U.S. Patent 6,522,360 to Miyawaki et al. to reject independent claims 1, 5, 17, and 36.

U.S. Patent 6,522,360 to Miyawaki et al pertains to a camera-integrated type VTR which determines a focusing area according to the direction of a visual line of the eye of the operator by extracting a reflection light signal. The reflection light signal is extracted from a composite signal composed of a video signal obtained from an image of the object and a reflection light signal obtained from the reflection light coming from the eye of the operator (col. 2, lines 55 – 64). The Examiner points to a discussion of the automatic focus (AF) control of a zoom mechanism of U.S. Patent 6,522,360 to Miyawaki et al occurring in columns 10 (lines 23+) and 11 (lines 15 – 63), and Figs. 10(d) – 10(f). In the Fig. 11 apparatus of U.S. Patent 6,522,360 to Miyawaki et al, the Examiner alleges that element(s) 119 constitute the target display color setting section; elements 102 – 104 constitute the color display reproduction section; and notes the three primary colors 108.

The Examiner concludes that "since the image processing in Miyawaki is performed according to a visual line sensing the direction of a visual line of the operator, the inputted or selected color to the display the image must meet the operator chromatic adaptation characteristics."

Applicants disagree with the Examiner's above-quoted conclusion. The visual line sensing and processing of U.S. Patent 6,522,360 to Miyawaki et al relates to determining a position of a visual line by using reflection light from a human eye (which would be helpful in an automatic context), but has nothing to do with operator chromatic adaptation characteristics in terms of color. In other words, use of the reflected light from the human eye by Miyawaki seems to be for determining size or position of the image, rather than color difference or chrominance. In this regard, Applicants find no teaching in col 12 of U.S. Patent 6,522,360 to Miyawaki et al that area selecting part 119 concerns color setting.

Nor do Applicants think that there is a satisfactory basis for combining U.S. Patent 6,522,360 to Miyawaki et al with JP Patent 05007219 to Akira. Miyawaki's determination of a position of a visual line by using reflection light from a human eye is for the purpose of automatic focus as necessitated by operations such as a zooming operation of a camera. There is no motivation in JP Patent 05007219 to Akira for use of such a zooming type of automatic focus.

Independent claims 6 and 39

The Office Action has properly admitted that JP Patent 05007219 to Akira fails to disclose a color correction coefficient generator and a color section correcting chrominance signal. In view of this deficiency, the Examiner has sought to combine JP Patent 05007219 to Akira with U.S. Patent 5,510,835 to Nishizawa to reject independent claims 6 and 39 (see enumerated paragraph 3 of the Office Action).

The Examiner alleges that U.S. Patent 5,510,835 to Nishizawa teaches a color coefficient generator 37 (Fig. 10, or item 4 of Fig. 8) and a color correction section correcting chrominance signal 9 (Fig. 9), and points to column 8, lines 41 – 46. The Examiner alleges that it would have been obvious to modify U.S. Patent 5,035,871 to Ogawa to include the display color setting section as taught by U.S. Patent 5,510,835 to Nishizawa in order to improve the resolution of the colored image.

Like U.S. Patent 6,522,360 to Miyawaki et al, the apparatus of U.S. Patent 5,510,835 to Nishizawa et al. is also a camera. In U.S. Patent 5,510,835 to Nishizawa, matrix coefficients are produced by matrix coefficient generator 37 from signals of a chrominance signal processor 9. The matrix coefficients are corrected by composite signals X1, X2 from the signal processing circuit 3 (see col. 8, lines 41 – 47).

Matrix coefficient generator 37 of U.S. Patent 5,510,835 to Nishizawa operates on signals from chrominance signal processor 9. The signals from chrominance signal processor 9 are signals for the image which is sensed and which is to be displayed. Note in Fig. 9 that the signals for chrominance signal processor 9 are acquired from signal processing circuit 3, which in turn receives signals from the image sensor 1.

Therefore, even if U.S. Patent 5,510,835 to Nishizawa were to disclose a matrix coefficient generator, U.S. Patent 5,510,835 to Nishizawa does not suggest that the coefficient generator generate coefficients in accordance with light characteristics of external light incident upon an image display section. That is, U.S. Patent 5,510,835 to Nishizawa may generate coefficients relative to a sensed image which is to be displayed, but does not generate coefficients with respect to external light incident upon the display device upon which the sensed image will be displayed. Therefore, U.S. Patent 5,510,835 to Nishizawa would suggest to JP Patent 05007219 to Akira only that the signal to be displayed (not the sensed external light) could be refined via coefficient generation.

Independent claims 9 and 20

The Examiner has admitted that JP Patent 05007219 to Akira fails to disclose a memory for storing light characteristics of a plurality of the external light, and select and read out the characteristics of the external light from the memory. In view of this deficiency, the Examiner has sought to combine JP Patent 05007219 to Akira with U.S. Patent 5,035,871 to Ogawa to reject independent claims 9 and 20 (see enumerated paragraph 4 of the Office Action).

U.S. Patent 5,035,871 to Ogawa, which concerns a still camera, attempts to solve a problem of assuring a correct white balance adjustment even when a light source that has flickering is in use (col. 1, lines 21 – 34). When a shutter release button is activated on Ogawa's camera, based on signals from a AE sensor 5 the microcomputer 7 determines whether or not the light source related to the object to be photographed is a light source that has flickering. If the light source does have flickering, automatic exposure chart B or chart C is selected from ROM (depending on detection intervals between max and min values), but otherwise an ordinary automatic exposure chart A is selected (see steps S4, S5, and S6 of Fig. 4). From the exposure charts an appropriate aperture value and shutter speed to be used in making the actual exposure are derived by computation (col. 3, lines 20 – 56).

Therefore, that the information stored in ROM or in microcomputer 7 of U.S. Patent 5,035,871 to Ogawa is not light characteristics of a plurality of types of external light. Rather, the information stored by Ogawa consists of operational parameters to be utilized by the camera in taking the picture (aperture value and shutter speed). That is, Ogawa does not store any information descriptive of a flickering source or a non-flickering source, but rather certain parameters to be utilized in setting mechanisms of the camera.

JP Patent 05007219 to Akira, not being a still camera, is not concerned with flicker detection. There is nothing in U.S. Patent 5,035,871 to Ogawa that would suggest to Akira that light characteristic information of plural types of external light be stored. Thus, the postulated combination is not proper.

As explained above, all prior art rejections of the independent claims should be withdrawn, thereby rendering the independent claims and dependent claims allowable.

#### **D. MISCELLANEOUS**

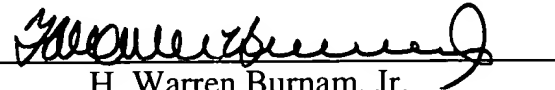
In view of the foregoing and other considerations, a formal indication of allowance is earnestly solicited.

The Commissioner is authorized to charge the undersigned's deposit account #14-1140 in whatever amount is necessary for entry of these papers and the continued pendency of the captioned application.

Should the Examiner feel that an interview with the undersigned would facilitate allowance of this application, the Examiner is encouraged to contact the undersigned.

Respectfully submitted,

**NIXON & VANDERHYE P.C.**

By:   
H. Warren Burnam, Jr.  
Reg. No. 29,366

HWB:lsh  
1100 North Glebe Road, 8th Floor  
Arlington, VA 22201-4714  
Telephone: (703) 816-4000  
Facsimile: (703) 816-4100